



#### Highlights ...

- Kentucky Part C Annual Performance Report submitted January 30, 2009.
- Complete assessments needed. See the article starting on Page 1 for more details.
- Contact information for the Department of Revenue on Page 4. Apologies for cutting off the number last week :-)



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February 6, 2009

## KENTUCKY PART C ANNUAL PERFORMANCE REPORT SUBMITTED JANUARY 30, 2009

Federal law requires that state Part C programs have in place a State Performance Plan (SPP) and that states report annually to the Secretary of the U.S. Department of Education (DOE) on the state's performance under the SPP. This report is called the Annual Performance Report or APR.

Kentucky's FFY 2007 (July 1, 2007—June 30, 2008) APR was due to the U.S.

DOE on February 2, 2009 and was submitted on January 30, 2009. Kentucky's SPP is posted on the First Steps website ([fs.chfs.ky.gov](http://fs.chfs.ky.gov)) and the FFY 2007 APR will be posted on the First Steps website next week.

The APR is an annual check on the state's performance related to 14 preset Indicators. Some Indicators are  
(Continued on Page 2)

## INCOMPLETE ASSESSMENT DATA JEOPARDIZES FEDERAL REPORTING

Kentucky is required to send outcome data to the federal Office of Special Education Programs (OSEP) each year, as one indicator of the progress children make as a result of their participation in First Steps. Most of the data submitted on January 30th was gathered before assessments were mandatory for all children (beginning October 1, 2008). As a result, it was not representative of our population.

In order to have more complete data for next year's

report, several critical improvements need to occur, as follows:

- Entry, annual and exit criterion-referenced assessments **MUST** be complete. Complete assessments include either all items marked with an entry (score or credit) for every domain/strand, OR a basal (3 +'s in a row) and ceiling (3 -'s in a row) for every domain/strand. Assessments with any missing  
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performance Indicators and some are compliance Indicators. The difference between performance and compliance Indicators is that States set the performance targets for performance Indicators, while the U.S. DOE Office of Special Education Programs (OSEP) sets the performance targets for compliance Indicators—and those targets are 100%.

The APR reports performance by Early Intervention Service (EIS) program. Kentucky considers its POE Districts to be its EIS programs. Therefore, data is reported by POE District.



Indicators 1 through 8 deal directly with District performance. Indicator 1 reports on timely service provision. Kentucky must assure that First Steps services start within 21 days of the date of consent or the date of the IFSP meeting. Indicator 1 is a compliance Indicator and the performance target is 100%. In FFY 2006 Kentucky demonstrated 80% compliance. In FFY 2007 Kentucky demonstrated 81% compliance.

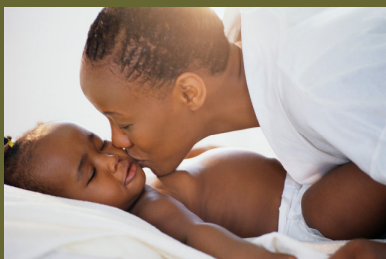
While the move from 80% to 81% represents progress, it does not represent significant progress and it *does* demonstrate continued non-compliance. Further, OSEP has notified Kentucky that its reporting measure in FFY 2006 was inaccurate. In FFY 2006 timeliness was reported against the service start date rather than the

date of consent or the IFSP date. This was clarified during the Data Verification visit in December, 2008; at which time FFY 2007 APR reporting date was final and could not be adjusted. Therefore, the FFY 2007 measurement standard for Indicator 1 is also inaccurate. This will need to be addressed in the FFY 2008 APR and plans to do so are discussed in the FFY 2007 APR. Please review that document for further information.

Indicator 2 reports on service delivery in natural environments. Indicator 2 is a performance Indicator and the State performance target is 98.7%. Kentucky continues to exceed the State target with 99.5% of services being provided primarily in the home or other community setting.

Indicator 3 reports on the extent to which children are achieving positive social-emotional skills, acquiring and using knowledge and skills, and using appropriate behaviors to meet their needs. Data for this Indicator is collected by the Kentucky Early Childhood Data System (KEDS). Entry data was reported in FFY 2005 and progress data was reported in FFY 2006 and FFY 2007. It is not possible to draw conclusions from the data reported in Indicator 3 at this time because the amount of available, complete data is too small. Policies were implemented on October 1, 2008 which

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outlines the process for collecting entry, annual and exit data through the KEDS system.

Indicator 4 reports on the extent to which the First Steps program has helped families know their rights, effectively communicate their children's needs, and help their children develop and learn. While Kentucky met or exceeded all State targets, Kentucky's performance slipped from FFY 2006 to FFY 2007. The FFY 2007 APR contains strategies and activities to address this slippage. Please review the full APR for more information.

Indicators 5 and 6 report on the state's participation rate and measure the numbers of children Birth to 1 and Birth to 3 participating in the program in proportion to the State census and in relation to comparable State Part C programs. Kentucky has significantly improved its Birth to 1 and Birth to 3 participation rates, moving from 0.6% in FFY 2006 to 0.65% in FFY 2007 and from 2.26% in FFY 2006 to 2.54% in FFY 2007 respectively.

Indicator 7 reports on the State's compliance with the 45-day timeline. Indicator 7 is a compliance Indicator with a performance target of 100% set by OSEP. In FFY 2007, Kentucky demonstrated 96% compliance. While not considered *full* compliance, Kentucky demonstrated improvement over FFY 2006 (93% compliance) and has reached what is

considered to be *substantial* compliance.

Indicator 8 reports on the extent to which Kentucky assures that children who are exiting Part C received timely transition planning to support their transition to preschool and other appropriate community services by their third birthday. This includes 3 components: A) IFSPs must include transition steps and services; B) LEAs must be notified if children are potentially eligible for Part B; and C) Transition Conferences with the LEA must be held if children are potentially eligible for Part B services. Indicator 8 is a compliance Indicator with performance targets for each component of 100% set by OSEP.

In FFY 2007 Kentucky demonstrated 89% compliance with Indicator 8A. This is a significant improvement over FFY 2006 when Kentucky demonstrated 74.5% compliance.

In FFY 2007 Kentucky demonstrated 92.8% compliance with Indicator 8B. This represents a slippage in performance from 93.9% to 92.8%.

In FFY 2007 Kentucky demonstrated 79% compliance with Indicator 8C. This is a very slight improvement over FFY 2006 when Kentucky demonstrated 78% compliance.

Kentucky has not achieved  
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full compliance with Indicators 8A, 8B or 8C. The FFY 2007 APR discusses Kentucky's continued noncompliance and efforts underway to facilitate compliance. Please review the full document for further information.

Indicators 9, 10, 11, 13 and 14 are related to Kentucky's General Supervision of the Part C Early Intervention program (First Steps). Please take a moment to review the APR in its entirety in order to gain a more complete understanding of the components of General Supervision and the influence that the State's performance under Indicators 1 through 8 has on Indicators 9 through 14.

State APRs were due on 2/2/09. OSEP reviews each APR and provides States with one week during the month of April to submit revisions, corrections or clarifications. OSEP then issues State Determinations based on the APR reviews as well as any other information they have regarding the State's performance.

State Determinations are usually issued toward the end of May/early June. State Determinations determine (for lack of a better term) the level of technical assistance the State is required to access and the enforcement actions, if any, that OSEP will take as a result of continued noncompliance. We will keep you posted as this year's State Determination process unfolds.

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- items **cannot** be included in data analyses and greatly reduce the information that can be reported to OSEP.
- Each complete assessment must be entered into KEDS with full assessment point

details.

- Assessments completed between July 1, 2006 and June 30, 2009 will be used for FFY 2008 federal reporting. Please make every effort to enter assessments as soon as the child's record is available in KEDS.

## TAX TIME IS HERE ...

Tax time is here. This is just a brief reminder that 1099s do not come directly from Central Office. Rather, they come from the Kentucky Department

of Revenue. If you have questions or concerns regarding your 1099, please contact Revenue directly at 502-564-7750.



Online modules available on TRAIN:

First Steps KEDS Module—Course ID 1011230

First Steps MRSA/Staph Prevention Module—Course ID 1010495

First Steps NONCREDIT Informational Module—Course ID 1009491

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## Highlights ...

- RBI Certification Institute available to interested parties. See page 1.
- Contact information for the Department of Revenue on Page 4.



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February 13, 2009

## Twenty-Eighth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, Parts B and C.

The Department of Education is required to report annually to congress on the progress made toward the provision of a free appropriate public education to all children with disabilities and the provision of early intervention services to infants and toddlers with disabilities.

The *28th Annual Report* consists of two volumes: The first section of Volume 1 focuses on the children and students being served under *IDEA*.

The second section of Volume 1 contains state-level

data profiles, which this year display individual state trend data in tabular and graphic form.

The third section of Volume 1 consists of selected rank-ordered state data tables.

Volume 2 contains extensive appendix tables of state-reported data required under Section 618 of *IDEA*.

Visit <http://www.ed.gov> and paste "Twenty-Eighth Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act, Parts B and C," in the search box to read the full report.

## ROUTINES-BASED INTERVIEW (RBI) CERTIFICATION INSTITUTE

This announcement is being posted on behalf of Dr. Robin McWilliam and Amy M. Casey, Siskin Center for child and Family Research.

The Routines-Based Interview (RBI), a method for collecting information from families and producing functional goals, is used in many states and programs worldwide. The 2009 RBI Certification Institute will allow 21 selected applicants to participate in an intensive, hands-on training opportunity and become certified as both

Interviewers and trainers. The Institute includes demonstration, practice interviewing families, and feedback.

The RBI Certification Institute will be held July 27—31, 2009, in Chattanooga, Tennessee. For information about cost and logistics, please visit <http://www.siskinresearch.org> and follow the RBI Certification Institute link. The online application form will be accessible until April 1, 2009.

## AGENCY PROVIDERS GOING INDEPENDENT—PLEASE NOTE ...

In recent weeks we have had a number of providers who are employed by agencies go independent. Upon going independent, these providers believed that their caseloads would automatically transfer from the agency to them as an independent provider. This is not the case.

When providers go independent, it is important to know that parents will be given the choice of staying with the agency that previously employed the provider or transferring to the independent provider. Providers should not assume that all families will choose to move away from the

agency to the independent provider. Providers must also be aware that for families who do elect to transfer to the independent provider, the service coordinator will need to adjust the Planned Service for the agency and change it to a Planned Service for the independent provider.

Providers—especially Occupational, Physical and Speech therapy providers—should be particularly aware of any non-compete clauses that they may have signed while contracting with the agency that would preclude them from providing service to families who were on their agency caseload.

## Carolina Curriculum Training at Berea RTC

Berea Early Childhood Regional Training Center (RTC) will be offering an assessment training on the Carolina Curriculum (CCITSN) on February 26, 2009 from 5:00p.m.-8:00 p.m. Training will be offered by Linda Comely. Registration is

available on TRAIN under course number 1016332. Participants should bring a copy of the Carolina Curriculum and blank protocols when attending or make arrangement to borrow a copy from the RTC.

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First Steps NONCREDIT Informational Module—Course ID 1009491

Register for all First Steps trainings on TRAIN at [www.train.org](http://www.train.org)

Direct Service Provider Training:

First Steps Face to Face Orientation- 1016198 - February 17, 2009- Owensboro

First Steps Face to Face Orientation-1016249-February 24, 2009- Lexington

First Steps Face to Face Orientation -1016373 - February 24, 2009 - Florence

First Steps Face to Face Orientation- 1016341 -February 25, 2009- West Liberty

First Steps Face to Face Orientation- 1016253 - February 26, 2009 – Corbin

First Steps Face to Face Orientation - 1016186 - February 27, 2009 - Murray



Visit the First Steps website at [fs.chfs.ky.gov](http://fs.chfs.ky.gov)



## Highlights ...

- American Recovery and Reinvestment Act of 2009 signed, providing \$500 million in assistance to state Part C programs.
- Provider payments were delayed, but have been processed. See article on this page for more information.
- Tax time is here. Questions or concerns regarding 1099's should be directed to the Department of Revenue directly at 502/564-7750.



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## AMERICAN RECOVERY AND RE-INVESTMENT ACT (ARRA) OF 2009 PROVIDES ASSISTANCE TO STATE PART C PROGRAMS.

On February 17, 2009, President Obama signed H.R. 1, the American Recovery and Reinvestment Act of 2009 (ARRA).

The ARRA provides more than \$100 billion in education funding and college grants and tuition tax credits, as well as billions more for school modernization.

The ARRA includes \$12 billion for Individuals with Disabilities Education Act (IDEA) programs and \$500

million for State Part C Early Intervention programs in particular.

The U.S. Department of Education has developed tables showing preliminary State allocations of ARRA funds. You can view those tables on the DOE's website at the following link: <http://www.ed.gov/about/overview/budget/statetables/recovery.html>. Kentucky Part C's preliminary allocation is \$5,455,604.

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## PROVIDER PAYMENTS DELAYED

Central Office was notified this morning of an interruption in the payment file process, which resulted in a failure to transmit the file created last Friday to the Department of the Treasury. The issue has been resolved and checks were cut today, Friday, February 20, 2009.

Please be aware that adjustments to internal procedures have been made to assure that this situation does not reoccur in the future.

This issue will not affect the next scheduled payment, which will be processed by the Department of the Treas-

ury on Friday, Feb 27, 2009.

We sincerely regret the inconvenience that this has caused our providers and appreciate their patience during this process.

Central Office would also like to specifically apologize to providers who called in on Wednesday and Thursday and were told that checks had been cut. This was absolutely not intentional deception on our part because we had every reason to believe that they had. Nonetheless, we are very sorry for any appearance of deception this may have caused.

## ARRA OF 2009 (CONT'D)

While this may seem like a windfall—and, quite frankly, the answer to our budget woes, it is not, and here is why ...

First, the allocations are preliminary, and if you are like me, you will believe the money exists when it is in your hands.

Second, and more importantly (because I really do believe the money exists), States are still waiting for information from the U.S. DOE regarding non-supplanting and maintenance of effort requirements and if (and if so, how) those requirements apply to this allocation.

This is important information because it will determine how

States can use the ARRA allocation.

Finally, the ARRA allocation is a one-time award that is to be split over the course of two years. If the preliminary allocation is correct, that amounts to \$2,727,802 per year and unfortunately, that will not fully relieve First Steps' budget issues.

All of this being said, we are thrilled at the prospect of this award and the opportunities that it may afford us in the coming years. As we have tried to do thus far, we will continue to keep you informed of the program's budget issues and the efforts being made to address them.

## SERVICE COORDINATORS, PLEASE CHECK TOTS DATA

Central Office prepared a mailing list for families this week using address information from the Parent One Information section on the Parent page in TOTS. Much of the report could not be used because hundreds of addresses were unusable. Examples of problems include: missing street numbers, missing street names, missing parent names, and missing zip codes.

Another group of extremely important information that needs to be in TOTS is the family financial information on the Financial Support page.

If families have private insurance and have agreed to use it, the insurance information should be fully completed. If families have private insurance, but do not want to use it, we are asking that basic insurance information still be included—specifically the Insurance Company name. This information is valuable to the Department for program planning purposes. If children are covered by Medicaid, it is particularly important that that information be captured accurately on the Financial Support page. Please verify financial information with families at regular review points.

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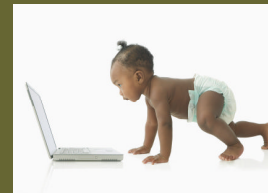
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Highlights ...

- First Steps payment on schedule.
- Moratorium on Service Coordinator applications. See this page for more information
- Include TOTS ID and Service Log # on insurance documentation sent to Central Office. See page 2 for more information.



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February 27, 2009

## FIRST STEPS PAYMENTS BACK ON SCHEDULE

The payment file for the pay period 02/12/09—02/25/09 was successfully processed and certified yesterday. The Department of the Treasury has assigned check numbers and checks were picked up for mailing this morning.

We again apologize for the inconvenience this caused many providers last week. At the same time, we want to clarify two pieces of misinformation. First, last week's

delay was not related to the State's budget situation. Second, last week's delay was not related to TOTS.

The delay was caused by a miscommunication within a Department Branch that resulted in a failure to certify the payment file. Steps have been taken to prevent this from re-occurring in the future. We appreciate your patience through this ordeal.

## CENTRAL OFFICE ISSUES MORATORIUM ON SERVICE COORDINATOR APPLICATIONS

First Steps Central Office has issued a moratorium on the processing of Service Coordinator applications. This moratorium applies to all applications that were in Central Office awaiting approval as well as any new applications. This moratorium also applies to existing service coordinators who work for an agency and are applying to become an independent provider (or vice versa).

This moratorium will remain in effect until such time as program decisions are made regarding the move toward a "blended with entry" model of service coordination in which initial and primary service coordinator roles are blended under the administrative oversight of the POE and until such time as up-to-date training, inclusive of TOTS, is available for interested applicants.

## MAXIMIZING PRIVATE INSURANCE

Providers who are supposed to be billing private insurance may have recently noticed more attention being paid to the documentation from the private insurance company regarding claim status.

As we focus efforts on maximizing financial resources, private insurance is a natural target.

When submitting documentation/correspondence from the insurance company to Central Office for review, please be sure to include the TOTS ID and the Service Log number that the documentation pertains to. This information will assist Central Office greatly in processing your claims and speed reimbursement to you as well.



## NO NEED TO FAX OR MAIL CBIS

In the past week we have had several packages of billing and service documentation forms forwarded to us from the University of Louisville. The CBIS office there has been closed and there is no one there to receive packages or mail from First Steps.

Just a brief reminder that all service documentation and billing is being done through TOTS. If you have questions or concerns regarding TOTS, please don't hesitate to contact your regional Technical Assistance Team for support. They're there to help.

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### Upcoming Events

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